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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/655,202	09/04/2003	Akio Suyama	393032040400	8001

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EXAMINER

CHAU, COREY P

ART UNIT	PAPER NUMBER
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2615

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/11/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/655,202

Applicant(s)

SUYAMA ET AL.

Examiner

Corey P. Chau

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-12 is/are allowed.
- 6) ☒ Claim(s) 13-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>10/19/05, 9/4/03</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 101

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2. Claims 16-18 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

With regards to Claims 16-18, Section 101 of title 35, United States Code, provides:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 16-18 disclose "A computer program". Computer programs claimed as computer listings per se, i.e. the descriptions or expressions of the programs are not physical "things." They are neither computer components nor statutory processes, as they are not "acts" being performed. Such claimed computer programs do not define any structural and functional interrelationships between the computer program and other claimed elements of a computer, which permit the computer program's functionality to be realized. Since a computer program is merely a set of instruction capable of being executed by a computer, the computer itself is not a process.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 13-15 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Digital Production Console DM 2000 Owner's Manual, Yamaha Corporation, June 2002, pp 157-163 (hereafter as Yamaha) in view of Digidesign ProControl User's Guide, Digidesign Inc., a Division of Avid, pp 167-177 (hereafter as Digidesign).

5. Regarding Claim 13, Yamaha discloses a parameter setting device comprising:

a plurality of mechanical operators to which a plurality of parameters are respectively allotted, said mechanical operators respectively setting values of the parameters in accordance with respective operation positions (page 161);

a collective renewal data memory that stores collective renewal data for collectively renewing the values of said plurality of parameters (page 161);

a collective renewal controlling section for respectively allowing change of the values of said plurality of parameters in accordance with lapse of time to values represented by said collective renewal data upon command of collective renewal, and for respectively allowing movement of the respective operation positions of said plurality of mechanical operators in accordance with the respective values of said plurality of parameters that are changed in accordance with lapse of time (page 161).

Yamaha does not expressly disclose:

a release command issuing section for issuing a command of release of the collective renewal of the values of said plurality of parameters; and

a release controlling section for stopping the change of the values of said plurality of parameters and for stopping the movement of said plurality of mechanical operators when the command of release of the collective renewal is issued by said release command issuing section during the change of the values of the parameters and the movement of the operation positions of the mechanical operators by said collective renewal controlling section.

Digidesign discloses a release command issuing section for issuing a command of release of the collective renewal of the values of said plurality of parameters (pages 168-170, 172-173-174); and a release controlling section for stopping the change of the values of said plurality of parameters and for stopping the movement of said plurality of mechanical operators when the command of release of the collective renewal is issued by said release command issuing section during the change of the values of the parameters and the movement of the operation positions of the mechanical operators by said collective renewal controlling section (pages 168-170, 172-173-174) in order to provide the user with the flexible to stop the operation of the faders when desired. Therefore it would have been obvious to one having ordinary skill in the art at the time of the invention to modify Yamaha with the teaching of Digidesign to incorporate a release command issuing section for issuing a command of release of the collective renewal of the values of said plurality of parameters (pages 168-170, 172-173-174); and a release controlling section for stopping the change of the values of said plurality of

parameters and for stopping the movement of said plurality of mechanical operators when the command of release of the collective renewal is issued by said release command issuing section during the change of the values of the parameters and the movement of the operation positions of the mechanical operators by said collective renewal controlling section (pages 168-170, 172-173-174) in order to provide the user with the flexible to stop the operation of the faders when desired.

6. Regarding Claim 14, Yamaha discloses said release command issuing section is provided commonly for said plurality of parameters and is constructed with one release operator that commonly issues a command of release of the collective renewal of the values of said plurality of parameters, and said release controlling section commonly controls stopping of the change of the values of said plurality of parameters and stopping of the movement of said plurality of mechanical operators in response to operation of said release operator (Yamaha, page 161; Digidesign, pages 168-170, 172-173-174).

7. Regarding Claim 15, Yamaha discloses said release command issuing section is provided in respective correspondence to said plurality of parameters and is constructed with a plurality of release operators that respectively issue commands of release of the collective renewal of the values of said plurality of parameters independently, and said release controlling section controls stopping of the change of the values of said plurality of parameters and stopping of the movement of said plurality of mechanical operators individually in response to respective operation of said plurality of release operators operator (Yamaha, page 161; Digidesign, pages 168-170, 172-173-174).

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8. As best understood with regards to the 35 U.S.C. 101 problem mentioned above, Claim 18 is essentially similar to Claim 13 and is rejected for the reasons stated above apropos to Claim 13.

Allowable Subject Matter

9. Claims 1-12 are allowed.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

USPN 5623551 to East et al discloses a linear control arrangement.

USPN 6967452 to Aiso et al discloses an operation apparatus with auto correction of position data of electric faders.

USPN 7092540 to Eastty et al discloses an automation of signal processing apparatus.

USPN 5054077 to Suzuki discloses a fader device.

USPN 5239458 to Suzuki discloses a fader device having a fine adjustment of the signal level.


11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Corey P. Chau whose telephone number is (571)272-7514. The examiner can normally be reached on Monday - Friday 9:00 am - 5:00 pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chin Vivian can be reached on (571)272-7848. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

January 7, 2007
CPC


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1/8/07